In the High Court of Punjab and Haryana, at Chandigarh.

C.M. No. 8846-C of 2007 And
R.S.A. No. 3152 of 2007

Date of Decision: 21.12.2007

Gurnarain Singh

…Appellant

Versus

Amarjeet Singh

…Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Vinod K. Kataria, Advocate
for the appellant.

RAJESH BINDAL, J.

This is an application for condonation of delay of 415 days in filing the present appeal against concurrent findings of fact recorded by both the Courts below, whereby the suit filed by the appellant/plaintiff for recovery of a sum of Rs. 45,600/- on the basis of pronote and receipt dated July 4, 2000, was dismissed.

The judgement and decree under appeal is dated January 9, 2006. It is stated in the application for condonation of delay that on September 4, 2004 his young son had expired and thereafter on April 29, 2006, his wife had expired and for this reason the appellant was unable to file the appeal before this Court. To cover up the period from April 27, 2006 till May 28, 2007 when the appeal was filed before this Court, the only explanation is in the form of medical certificate issued by a private practitioner showing that the appellant was under his treatment off and on as an outdoor patient as he was suffering

from mental tension and osteo-arthritis. However, the same cannot possibly be held to be a good reason for condoning the delay of more than one year even after the death of wife of the appellant on April 29, 2006. As there is no reasonable explanation for such a huge delay in filing the present appeal, accordingly, the same cannot be condoned.

Accordingly, the application for condonation of delay of 415 days in filing the appeal is dismissed. Consequently, the appeal is also dismissed.

(Rajesh Bindal)
Judge

December 21, 2007
"DK"